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DESIGNATING CERTAIN PUBLIC LANDS IN THE STATE OF MAINE AS WILDERNESS

MAY 21 (legislative day, APRIL 18), 1990.—Ordered to be printed

Mr. LEAHY, from the Committee on Agriculture, Nutrition, and Forestry, submitted the following

REPORT

[To accompany S. 2205]

The Committee on Agriculture, Nutrition, and Forestry, to which was referred the bill (S. 2205) to designate certain public lands in the State of Maine as wilderness, having considered the same, reports favorably thereon with an amendment in the nature of a substitute and recommends that the bill as amended do pass.

PURPOSE

The Maine Wilderness Act of 1990, as reported by the Committee on Agriculture, Nutrition, and Forestry would add one area in Maine, located in the White Mountain National Forest, totaling 12,000 acres to the National Wilderness Preservation System. This designation is designed to protect wildlife and its habitat, scenic and aesthetic values, recreational opportunities, and natural biological diversity of plant and animal species. The bill would also ensure that 4,000 acres of roadless area in the White Mountain National Forest in Maine not designated as wilderness are released for such uses as are determined appropriate through the national forest land management planning process.

NEED

There is a need for land to be designated as wilderness in Maine. Fourteen percent (102,000 acres) of the White Mountain National Forest is now designated wilderness, all in New Hampshire. The Great Gulf Wilderness (6,000 acres) was created in 1964. The Presidential Range-Dry River Wilderness (26,000 acres) was created in

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1975 and expanded as part of 1984 legislation that created the Pemigewasset (45,000 acres) and Sandwich Range Wilderness (25,000 acres) areas.

In Maine, two parcels totaling 7,500 acres in the Moosehorn National Wildlife Refuge are units of the Wilderness Preservation System. In addition, 161,000 acres in Baxter State Park are managed essentially as wilderness by the state. Maine is a heavily forested state, but most of the forestland is privately owned and utilized for timber production. In addition, the Caribou-Speckled Mountain area differs in its vegetation, topography, and scenic characteristics from these other wilderness parcels in Maine.

The Committee is aware that there is some opposition to wilderness designation among local and national timber groups. During the hearing on S. 2205, the Subcommittee on Conservation and Forestry heard from two Maine witnesses who opposed this wilderness designation on the basis that a working forest is healthier than a wilderness area, that wilderness area designation would adversely affect the local wood products industry, and that only a small percentage of the visitors to the White Mountain National Forest want a wilderness experience.

Wood products industries are important to western Maine's economy. Western Maine has about 1,200,000 acres of commercial forest land with potential annual timber yields of 100-200 million board feet.

The Forest Service estimates that the proposed wilderness area contains approximately 4,300 acres of commercial forest land which may be suitable for harvest. These acres are dispersed throughout the roadless area. Timber stands vary from 15 to 100+ years of age with the majority of acreage in the older classes. Growing conditions on lower to mid-slopes are considered good to excellent. The Forest Service states that with the forest will continue to provide a steady reliable supply of quality saw timber to local mills at or near current levels.

The Forest Service administers national forests on the principal of multiple use. In fact, the Multiple-Use Sustained Yield Act of 1960 requires multiple use management of the resources of national forests so as to maximize the sustained yield of products and services that can be obtained from them: recreation, including mechanized, dispersed and semi-primitive wilderness; range, timber, watershed, and wildlife and fish purposes.

During the process of writing the White Mountain National Forest Plan, the Forest Service received comments from many individuals and organizations. Many comments expressed a desire for more wilderness in the White Mountain Forest. The Forest Service also received comments asking for increased timber harvest, expanded downhill skiing, more trails for snowmobilers and ATV's (all terrain vehicles), increased fish and game habitat, etc.

Forest plans attempt to strike a balance between some times competing possible uses for a forest's recources. In trying to strike this balance, the Plan considers the White Mountain National Forest as a whole. Wilderness is one option for forest management. As such it is part of multiple use, not in conflict with multiple use as opponents of wilderness believe. Not every acre of land in the forest can accommodate all multiple uses which are made of the

forest as a whole. Timber harvesting can not coexist with wilderness; mining cannot occur on land managed for downhill skiing. But all of these uses can coexist in the forest as a whole.

THE WILDERNESS AREA

The White Mountain National Forest encompasses lands in both New Hampshire and Maine. Approximately 47,000 acres lie in the State of Maine, including the lands affected by this bill.

The Caribou-Speckled Mountain Roadless area contains 16,000 acres. The western edge of the area is State Route 113 which serves as the boundary between New Hampshire and Maine. U.S. Highway 2 is to the north and Maine Route 5 is to the east of the area. The area is two hours north of Portland and lies entirely within the State of Maine.

The topography varies from lush river valley to exposed rocky peaks. The highest point is Speckled Mountain (2,906 feet). Other peaks including Caribou, Peabody, Durgin, and Ames Mountains. Two major ridges are Blueberry Ridge, running between Blueberry Mountain and Ames Mountain and Red Rock Ridge, running between Miles Notch and Speckled Mountain.

Attractions include the scenic viewing opportunities from the summits of Caribou and Speckled Mountains and along the ridge trails. Several summits offer panoramic views with little evidence of civilization. Waterfalls and cascades found on brooks in the area are especially scenic.

Recreational use of the area historically includes hunting, fishing, cross country skiing, snowshoeing, snowmobiling, hiking, and camping. The mountain peaks are typically visited from June to September. There are 13 trails spanning 36 miles in the roadless area. Use in winter depends on the amount of snowfall.

The Caribou-Speckled roadless area, like many eastern wilderness areas, has been previously harvested. However, the bulk of the harvesting occurred over 50 years, with the last activity occurring approximately 25 years ago.

The revegetation is complete on nearly all sections of roads in the area and the Forest Service states that to the "casual forest visitor" the area appears very natural. The area offers extensive opportunity for solitude and provides the visitor with significant scenic values.

MANAGEMENT

Section 4 of the bill provides that management of the Caribou-Speckled area designated wilderness by S. 2205 will be guided by requirements of the Wilderness Act of 1964.

When originally recommended for wilderness study by the Forest Service, there were several structures that would be considered "nonconforming" uses if the area was designated wilderness—a fire tower and a radio repeater on Speckled Mountain and an Adirondack shelter on Caribou Mountain. Two of the structures have since been removed, the Adirondack shelter remains. The Committee understands that the Forest Service intends to remove this remaining structure at some point.

There is some use of the area currently for snowmobilers in the winter, in particular there is a trail that travels almost to the peak of Speckled Mountain. If the area is designated wilderness, the snowmobiling which occurs now in the area, particularly along the trail to the summit of Speckled Mountain would be terminated and the trail relocated. The Committee expects the Forest Service to cooperate with local and state snowmobile organizations in finding a suitable substitute for the existing trail.

As clearly stated in section 6, the Committee does not intend this legislation to lead to the creation of protective perimeters or buffer zones around the wilderness area.

RELEASE LANGUAGE

The Committee notes that standard wilderness review, or release, language referring to the Roadless Area Review and Evaluation II is included in Section 3 of the bill.

The Forest Service and representatives of the forest products industry have indicated that release language is incorrect because the Caribou-Speckle was not included in RARE II. However, the Committee notes that the Caribou-Speckle was considered, but not included in RARE II because the area had already been administratively designated by the Forest Service as a "Wilderness Resource" in the Evans Notch Unit Plan/EIS in 1977. Moreover, the Forest Service notes in their letter to Congressman Harold Volkmer on March 19, 1990 that the RARE II language is technically inaccurate but legally sufficient.

The Committee continues to believe that releasing lands from RARE II consideration is the most appropriate action to take regarding release language. This action and the language that was agreed to by all parties in 1984 provides sufficient protection for all parties involved.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

In 1983, the New Hampshire Congressional Delegation introduced legislation to designate 77,000 acres of the White Mountain National Forest in New Hampshire as wilderness. A proposal to include the Caribou-Speckled area to that legislation threatened to derail the legislation.

In December 1983, the Maine Delegation appointed an Ad Hoc Advisory Committee to provide it with advice on proceeding with a separate Maine wilderness bill. A wilderness bill limited to lands in New Hampshire was subsequently enacted.

The delegation's advisory group recommended that any action regarding wilderness for the Caribou-Speckled be taken in concert with the Forest Service's planning process. In 1984, the group voted to endorse the wilderness study recommendation included in the Forest Service's Draft Forest Plan. The wilderness study recommendation (with some minor boundary changes) was included in the final White Mountain National Forest Plan.

The White Mountain National Forest Plan was published in April 1986. Several public interest groups appealed parts of the Plan. All appeals have been settled and the Forest Service is implementing the Plan (with modifications agreed to in the settlements).

There were no appeals of the recommendation on the Caribou-Speckled area.

On February 28, 1990, Senator George Mitchell (D-ME) introduced the Maine Wilderness Act of 1990 (S. 2205), cosponsored by Senator William S. Cohen (R-ME). The Subcommittee on Conservation and Forestry, chaired by Senator Wyche Fowler, Jr. (D-GA) held a public hearing on April 18, 1990.

In statements to the Subcommittee, the bill's sponsors, Senator Mitchell and Senator Cohen, indicated their belief that after years of debate and review, the resolution of the wilderness issue in this portion of the White Mountain National Forest is in the best interests of Maine's citizens. The Committee agrees that this is a balanced measure that meets the needs of all users of the national forest.

The Subcommittee also received testimony from George M. Leonard, Associate Chief of the U.S. Forest Service; Jerry Bley, Resource Specialist for the Natural Resource Council of Maine; Leon Favreau, president of the Multiple Use Association; and Thomas Hammond on behalf of the National Forest Products Association.

On May 16, 1990 the Committee met in open business session. Chairman Leahy offered an amendment in the nature of a substitute. The amendment was agreed to, and the Committee then ordered S. 2205, as amended, favorably reported to the Senate on a voice vote.

SECTION-BY-SECTION ANALYSIS OF S. 2205

Section 1 provides that the bill may be cited as the "Maine Wilderness Act of 1990".

Section 2 designates certain lands in the White Mountain National Forest totaling 12,000 as the "Caribou-Speckled Mountain Wilderness" and, therefor, part of the National Wilderness Preservation System.

Section 3 provides that, as soon as practicable after the bill takes effect, the Secretary of Agriculture must file maps and legal descriptions of the wilderness area designated by the bill with the Committee on Interior and Insular Affairs and the Committee on Agriculture of the United States House of Representatives and with the Committee on Agriculture, Nutrition, and Forestry of the United States Senate. The map and description will have the same force and effect as if included in the bill, except that correction of clerical and typographical errors in the map and description may be made by the Secretary. The map and description will be on file and available for public inspection in the Office of the Chief of the Forest Service, Department of Agriculture.

Section 4 provides that, subject to valid existing rights, the wilderness area designated by the bill will be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act of 1964, except that any references in those provisions to the effective date of the Wilderness Act of 1964 will be deemed to be a reference to the effective date of the bill.

Section 5 contains the so-called "release/sufficiency" language described earlier in this report.

Section 5(a) finds that the Department of Agriculture has completed the second roadless area review and evaluation program (RARE II), and that Congress has made its own review and examination of National Forest System lands in the Maine section of the White Mountain National Forest and of the environmental impacts associated with alternative allocations of such areas.

Section 5(b) states, in paragraph (1) that Congress has determined, without passing on the question of legal sufficiency of the RARE II final environmental impact statement for the National Forest System lands in the State of Maine, that such statement shall not be subject to judicial review with respect to National Forest System lands in the State of Maine.

Paragraph (2) recognizes that the review of National Forest System lands in the State of Maine by the Department of Agriculture in RARE II shall be deemed an adequate consideration of the suitability of such lands for wilderness with respect to the National Forest Management Act of 1976. The Department of Agriculture will not be required to review the wilderness option prior to revisions of the plans, but must review the wilderness option when the plans are revised.

Paragraph (3) states that areas in the State of Maine reviewed in the RARE II and not designated wilderness on enactment of this bill must be managed for multiple use in accordance with their respective land management plans. However, the areas need not be managed for the purpose of protecting their sustainability for wilderness designation prior or during revision of the initial land management plans.

Paragraph (4) states that, in the event that revised land management plans are implemented, areas not recommended for wilderness designation need not be managed for the purpose of protecting their sustainability for wilderness designation, and areas recommended for wilderness designations shall be managed for the purpose of protecting their sustainability for wilderness designation as may be required by the National Forest Management Act of 1976 and other applicable law.

Paragraph (5) states that unless expressly authorized by Congress, the Department of Agriculture cannot conduct any further statewide roadless area review and evaluation of National Forest System lands in the State of Maine for the purpose of determining their suitability for inclusion in the National Wilderness Preservation System.

Section 5(c) states that, as used in section 5 of the bill, and as provided in the National Forest Management Act of 1976, the term "revision" will not include an amendment to a plan.

Section 5(d) provides that the provisions of section 5 of the bill will also apply to the National Forest System roadless lands in the State of Maine that are less than 5,000 acres in size.

Section 6 states that Congress does not intend that the designation of a wilderness area in the State of Maine to lead to the creation of protective perimeters or buffer zones around the wilderness area; and that the fact that non-wilderness activities or uses can be seen or heard from areas within the wilderness area will not, in itself, preclude such activities or uses, up to the boundary of the wilderness.

Section 7 states that, as provided in the Wilderness Act, the Secretary may take such measures as may be necessary to control fire, insects, and disease within any area designated wilderness by the bill.

Section 8 states, as provided in the Wilderness Act, that nothing in this bill shall be construed as affecting the jurisdiction or responsiblities of the State of Maine with respect to wildlife and fish in the national forests in the State of Maine.

COST ESTIMATE

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate, the Committee estimates that enactment of S. 2205 will have no budgetary impact.

In accordance with the Congressional Budget Act of 1974, the Congressional Budget Office prepared the following cost estimate, which is consistent with the Committee's cost estimate.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 17, 1990.

Hon. PATRICK J. LEAHY,
Chairman, Committee on Agriculture, Nutrition, and Forestry, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 2205, the Maine Wilderness Act of 1990, as ordered reported by the Senate Committee on Agriculture, Nutrition, and Forestry on May 16, 1990.

The bill would designate an area of about 12,000 acres in the State of Maine as the Caribou-Speckled Mountain Wilderness, and would require the Department of Agriculture's Forest Service to take the necessary actions to include the designated area within the National Wilderness Preservation System. Other areas in the state that were reviewed but not designated as wilderness would be released for multiple use management. Based on information provided by the Forest Service, CBO estimates that implementation of S. 2205 would cost about $5,000, assuming the necessary appropriations.

The bill would have no impact on the budgets of state or local governments.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Theresa Gullo, who can be reached at 226-2860.

Sincerely,

ROBERT F. HALE
(For Robert D. Reischauer).

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b) of rule XXVI of the Standing Rules of the Senate, the Committee found that S. 2205 is not a regulatory measure in the sense of imposing government established standards or economic responsibilities on private individuals or businesses. The bill is therefore expected to have no regulatory impact on any state or local government or on business.

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